

LONDON FISCHER LLP  
59 MAIDEN LANE  
NEW YORK, NEW YORK 10038

WWW.LONDONFISCHER.COM

(212) 972-1000  
FACSIMILE: (212) 972-1050

CALIFORNIA OFFICE  
1 PARK PLAZA, SUITE 740  
IRVINE, CALIFORNIA 92614  
TELEPHONE: (949) 252-0550  
FACSIMILE: (949) 252-0553

January 2, 2008

VIA FACSIMILE

MEMO ENDORSED

The Honorable Stephen C. Robinson  
United States District Judge  
United States District Court for the Southern District of New York  
300 Quarropas Street, Room 633  
White Plains, NY 10601

Re: *McCormack and Co., Inc. v. Kari-Out Club, LLC, t/a Kari-Out Co., v. Perk Up, Inc., s/h/a Kari Out Club, LLC, t/a Kari-Out Co., v. Shambaugh & Son, LP*  
United States District Court, Southern District of New York  
Case No: 07-Civ 7244 (SCR)  
Our File No.: 470.0567160

Dear Judge Robinson,

We represent Third-Party Defendant Shambaugh & Son, LP in the above-referenced matter. On January 27, 2007, we faxed a letter to your chambers in which we enclosed a fully executed stipulation extending the time for our client to appear and answer, move or otherwise act with respect to the Third-Party Summons and Complaint in this matter. Please note that while the letter indicated that the date was extended through and including February 6, 2008, the letter should have referenced January 28, 2008 as being said date, which is the date provided for in the enclosed stipulation. We apologize for any confusion that this may have caused.

Thank you for your courtesy and assistance in this regards.

APPLICATION GRANTED

Very truly yours,

*Stephen C. Robinson*  
HON. STEPHEN C. ROBINSON

1/7/08

LONDON FISCHER LLP

*Benjamin L. Schiffman*  
Benjamin L. Schiffman

BLS:jc  
Enclosure

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED:

cc:

Jason Todd Katz, Esq.  
Lewis Johs Avallone Aviles, LLP  
425 Broad Hallow Road  
Melville, New York 11747  
Attorneys for Defendant / Third Party Plaintiff  
PERK UP, INC., s/h/a KARI-OUT CLUB LLC,  
t/a KARI-OUT CO.  
Fax: (631) 755-0117

David H. Bamberger, Esq.  
DLA Piper US LLP  
1200 19th Street, N.W.  
Washington, DC 20036  
Attorneys for plaintiff McCormick & Co., Inc.  
Fax: (202) 689-7425

Stephanie Kara Vogel, Esq.  
John Vukelj, Esq.  
DLA Piper US LLP (NY)  
1251 Avenue of the Americas  
New York, NY 10020  
Attorneys for plaintiff McCormick & Co., Inc.  
Fax: (212) 335-4501

Philip Touitou, Esq.  
Hinshaw & Culbertson LLP  
780 Third Avenue  
New York, NY 10017  
Attorneys for Attorneys for Defendant / Third Party Plaintiff  
PERK UP, INC., s/h/a KARI-OUT CLUB LLC,  
t/a KARI-OUT CO.  
Fax: (212) 935-1166

K:\470\160\Correspondence\Judge Robinson.1.2.08.doc

Third-party defendant  
may appear and answer,  
more or otherwise act  
through 1/28/08.